
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

KEITH RUSSELL JUDD,

Petitioner,

versus

JOHN B. FOX,

Respondent.

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CIVIL ACTION NO. 1:07-CV-864

**MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Keith Russell Judd, an inmate formerly confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends that petitioner's motion for injunctive relief (#207) be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes petitioner's objections are without merit. Petitioner alleges that his underlying conviction is not valid; however, a review of the docket for petitioner's criminal conviction reveals petitioner remains convicted. *See United States v. Judd*, 7:98cr93 (W.D. Tex. Sept. 29, 1999). Petitioner was denied permission to file a successive motion to vacate, set aside or correct sentence by the Fifth Circuit Court of Appeals on May 21, 2010. *Id.*

As set forth in the Report, petitioner is no longer confined at the Federal Correctional Complex in Beaumont, Texas. Petitioner has been transferred to the Federal Correctional

Institution in Texarkana, Texas. Accordingly, his claim for injunctive relief is moot. *See Herman v. Holiday*, 238 F.3d 660, 665 (5th Cir. 2001). Moreover, petitioner's claim for injunctive relief is without merit.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED that petitioner's motion for injunctive relief is **DENIED**.

SIGNED at Sherman, Texas, this 10th day of September, 2012.



MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE